

**BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS,  
LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS  
AND LANDSCAPE ARCHITECTS MEETING**

**MINUTES**

The Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on September 13, 2007, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

**Architects**

John S. Clark, Jr.  
J. Everette Fauber, III  
Kenneth A. Schwartz

**Land Surveyors**

John R. McAden  
Nancy E. McIntyre  
W. R. Stephenson, Jr.

**Landscape Architects**

Vaughn B. Rinner

**Professional Engineers**

Nico De León  
Stanley C. Harris, Sr. (arrived at 10:17 a.m.)  
Wiley V. Johnson, III

**Interior Designers**

Lorri B. Finn  
Cameron C. Stiles

Board member William H. Spell was not present at the meeting.

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director  
David Ashe, Chief Deputy  
Karen W. O'Neal, Deputy Director Licensing and Regulation  
Mark N. Courtney, Executive Director  
Marian H. Brooks, Program Administrator  
Michelle Gowen, Administrative Assistant

Steven P. Jack, Assistant Attorney General, was present at the meeting.

Ms. Stiles, Vice-Chair, called the meeting to order at 9:04 a.m.

**Call to Order**

Mr. Clark moved to approve the agenda. Mr. Fauber seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles.

**Approval of Agenda**

Ms. Rinner moved to approve the minutes for the following meetings as amended:

**Approval of  
Minutes**

- September 13, 2007, APELSCIDLA Board Meeting;
- October 11, 2007, Professional Engineers Section Meeting; and
- November 6, 2007, Landscape Architect Section Meeting.

Mr. Fauber seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles.

**Public Comment Period** – Dean Hawkins, Certified Landscape Architect, was present to address the Board regarding site plans he prepared which VDOT refused to accept without the seal of a professional engineer. Mr. Hawkins provided the Board with a bound volume of exhibits and correspondence.

**Public Comment  
Period**

Ron McGinnis, a representative of Virginia Chapter of the ASLA, was present to support Mr. Hawkins and request that the Board further educate officials and other agencies of the work that each profession is capable of completing. Mr. McGinnis suggested that a guidance document be placed on the Department's website showing that the *Code of Virginia* allows certified landscape architects to submit site plans.

After reviewing the application and Agreement for Registration, Mr. Schwartz moved to accept the Agreement for Registration as seen and agreed to by Shremshock Architects, Inc. Mr. Fauber seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles.

**Agreement for  
Registration 2007-  
09, Shremshock  
Architects, Inc.**

After reviewing and discussing the file, Mr. Schwartz moved to issue a Cease and Desist Order to Martin Bertrand and Land Pro & Associates, LLC. Mr. Stephenson seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles.

**File Number 2008-  
00624, Martin  
Bertrand and Land  
Pro & Associates,  
LLC**

Regarding **File Number 2007-04062, Donald Nesmith**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Nesmith. Ms. McIntyre moved to accept the Consent Order which cites a violation of 18 VAC 10-20-710.B of the Board's regulations. For this violation Mr. Nesmith agrees to a fine in the amount of \$750.00 as well as Board costs in the amount of \$150.00. Mr. Stephenson seconded the motion which was approved by members: Clark, De Léon, Fauber, Finn, Johnson, McAden, McIntyre, Stephenson, and Stiles. Mr. Schwartz voted in opposition of the motion. The motion passed with a majority vote. As the reviewing Board member, Ms. Rinner was not present during the discussion or vote.

**File Number 2007-  
04062, Donald  
Nesmith**

The Board members reviewed the summary of, and draft response to, the public comments. After discussion, Mr. Stephenson moved to adopt the response to the public comments as prepared by staff. Ms. McIntyre seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles.

**Consideration of  
Final  
Photogrammetry  
Regulations**

The Board members reviewed the draft final regulations as prepared by staff. After review, Mr. Stephenson moved to adopt the final regulations. Mr. Stephenson further moved to authorize staff, in conjunction with the Chair, to make any minor changes as necessary, on behalf of the Board, so that the regulations can be approved. Ms. McIntyre seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles.

<b><u>December 2007 &amp; June 2008</u></b>	<b><u>December 2008 &amp; June 2009</u></b>	<b><u>December 2009</u></b>
Section C: \$310 Section E: \$310	Section C: \$320 Section E: \$320	Section C: \$326 Section E: \$326

The Board members reviewed the draft proposed agreement with *Engineers Australia* prepared by staff. After review and discussion, Mr. Fauber moved that a friendly letter, rather than an agreement, be prepared for review by the Professional Engineers Section members and sent to *Engineers Australia* informing them of the conditions under which their licensees may work in Virginia. Mr. Fauber further moved that Mr. Harris, as Chair of the Board, sign the letter. Mr. Clark seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles.

**Review of Draft  
Agreement with  
Engineers Australia**

Mr. Courtney asked the Board members if they would like to nominate Mr. Wilmer F. Sirine, II, for the 2008 NCEES Distinguished Service Award. Ms. McIntyre moved that the nomination be submitted to NCEES for consideration. Mr. Stephenson seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles.

**Consideration of  
NCEES Award  
Nominations**

Mr. Courtney asked the Board members if they would like to nominate Mr. Doyle B. Allen for the 2008 NCEES Northeast Zone Award. Mr. Clark moved that the nomination be submitted to NCEES for consideration. Mr. Stephenson seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles.

The Board members took a break from 10:00 a.m. to 10:11 a.m.

**Break**

The Board members reviewed the materials provided by Mr. Dean Hawkins regarding the problems he has encountered having his site plans accepted for

**Discussion of Design  
of Site Plans by**

review by VDOT. After review and discussion, Ms. Rinner moved that a letter be prepared to the Commissioner of VDOT regarding the work that certified landscape architects are permitted to perform according to law and regulation. Ms. Rinner further moved that this letter be posted on the Department's website. Mr. Schwartz seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles.

**Certified Landscape Architects**

Mr. Harris arrived at 10:17 a.m. and assumed the position of Chair.

After further discussion, Ms. Rinner moved that a letter also be prepared to Department of Conservation and Recreation, Department of Housing and Community Development, Virginia Association of Counties, Virginia Municipal League, Department of General Services, and state associations attaching the letter sent to the Commissioner of VDOT for educational purposed and for the agencies to share with other officials. Mr. Schwartz seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles.

**Arrival of Mr. Harris and Transfer of Chair**

Ms. Rinner further moved that a committee of the Board be formed to create a document that states the scopes and roles of the professions of the Board for educational purposes. Mr. Schwartz seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles. The Board agreed that the committee would consist of the following Board members: Nancy McIntyre, Land Surveyors Section; J. Everette Fauber, III, Architects Section; Vaughn Rinner, Landscape Architects Section; Lorri Finn, Interior Designers Section; and Wiley Johnson, III, Professional Engineers Section.

Regarding **File Number 2007-01880, Carl Duncan**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Duncan. Mr. Johnson moved to accept the Consent Order which cites a violation of 18 VAC 10-20-760.B.2 of the Board's regulations. For this violation Mr. Duncan agrees to a fine in the amount of \$600.00 as well as Board costs in the amount of \$150.00. Mr. Fauber seconded the motion which was unanimously approved by members: Clark, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Stephenson, and Stiles. As the reviewing Board member, Mr. De León was not present during the discussion or vote.

**File Number 2007-01880, Carl Duncan**

The Board members were provided with a comprehensive report of enforcement activity since the last Board meeting.

**Comprehensive Report of CID Activity**

The Board members were provided with financial statements from October 2007 for informational purposes.

**Review of Board Financial Statements**

Mr. Fauber and Mr. Schwartz requested that the issue of funding IDP application fees be included at the next Architects Section meeting agenda.

Mr. Courtney informed the Board members that Karen O'Neal would be retiring and that this is her last meeting with the Board.

**Other Business**

David Ashe stated that he too would be leaving the Department to go back to practicing law.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest  
Forms**

There being no further business, the meeting was adjourned at 10:58 a.m.

**Adjourn**

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Stanley C. Harris, Sr., Chair

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Jay W. DeBoer, Secretary